

Chapter 4: Electrical Usage by Cable Television Companies

§ 4-01 Definitions.

Authorized agent. "Authorized agent" shall mean any person or entity which is authorized by lease, contract or other agreement to act on behalf of a premises owner with respect to the matters covered by this rule.

Cable television. "Cable television company" shall mean any person, firm, partnership, or corporation which provides one-way transmission to subscribers of video programming or other programming services.

Commissioner. "Commissioner" shall mean the Commissioner of the Department of Information Technology and Telecommunications.

Department. "Department" shall mean the Department of Information Technology and Telecommunications of the City of New York.

Direct billing. "Direct billing" shall mean a system by which the user is billed directly by the utility for either (1) actual use of electricity, as measured by a properly installed and operating meter or (2) estimated use of electricity, as agreed to by the cable television company and the utility. Direct billing shall include only electrical usage which is independent of the premises owner's metering.

Electricity. "Electricity" shall mean electrical current or service as provided by a utility other than electricity used to operate equipment placed within individual subscriber units for the purpose of receiving cable television service.

Utility. "Utility" shall mean any person, firm, partnership or corporation authorized to provide electricity to commercial and residential users and subject to the jurisdiction and general supervision of the Public Service Commission of the State of New York.

§ 4-02 Applicability.

(a) This chapter applies to all cable television companies authorized by New York City by means of a franchise or other municipal authorization to construct, operate, maintain, or manage a cable television system in New York City.

§ 4-03 Electricity Usage.

(a) All electricity used by a cable television company shall be directly billed to the cable television company by a utility pursuant to the utility's applicable service tariffs, including all electricity used by a cable television company to operate equipment situated on premises owned, operated or leased by an entity other than the cable company, unless the cable television company and the premises owner have entered into a resale arrangement.

(b) To the extent allowable by applicable law and tariff, a cable television company may enter into a resale arrangement for use of electricity to operate equipment situated on premises not owned, operated or leased by the cable television company only upon prior written approval of the affected premises owner or authorized agent.

§ 4-04 Notice.

(a) The cable television company shall give each premises owner or authorized agent not less than fifteen (15) days written notice of its intention to locate equipment upon any premises not owned, operated or leased by the cable television company which may require the use of electricity.

(b) The cable television company shall contact the utility providing the electricity and arrange for direct billing for the use of electricity on premises not owned, operated or leased by the cable television company not less than fifteen (15) days prior to the installation of said equipment.

(c) The cable television company shall notify each affected premises owner or authorized agent when it has completed arrangements for direct billing when the utility providing electricity and the start date for such electricity usage.

(d) For electricity usage to operate equipment owned by the cable television company already situated on premises owned, operated or leased by an entity other than the cable television company as of the effective date of this rule, the cable television company shall contact the utility providing the electricity and arrange for direct billing for the use of electricity to operate such equipment on such premises. The cable television company shall submit a plan for the implementation of the requirements of this chapter for such electricity usage within thirty (30) days of the effective date of this chapter. Such plan shall be subject to the approval of the Commissioner.

(e) The cable television company shall submit to the Department quarterly reports with respect to any resale arrangement for use of electricity to operate equipment situated on premises not owned, operated or leased by the cable television company in a form and containing such information as the Commissioner may reasonably specify. Upon request of the Commissioner, the cable television company shall promptly submit to the Commissioner additional information in an appropriate format to verify and supplement the information contained in the report required by this subdivision. The Commissioner may waive the submission of such records as the Commissioner deems appropriate.

(f) The cable television company shall submit to the Department summary quarterly reports containing information on each notice sent out pursuant to the requirements of subparagraphs a, b, and c of this section in a form and containing such information as the Commissioner may reasonably specify. Upon request of the Commissioner, the cable television company shall promptly submit to the Commissioner additional information in an appropriate format to verify and supplement the information contained in the report required by this subdivision. The Commissioner may waive the submission of such records as the Commissioner deems appropriate.